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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
SALCE, JASON P	
ART UNIT	**PAPER NUMBER**
2611	5

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/336,699	MARUYA ET AL.	
	Examiner	Art Unit	
	Jason P Salce	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *13-17 and 20-24* is/are allowed.

6)☒ Claim(s) *1-12,18,19 and 25-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 June 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2 and 4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 7 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Referring to claims 7 and 29, there is no disclosure in the specification in regards to a "rule of three sum", therefore the examiner cannot apply any such rule to the processing being done in claim 7. The examiner will ignore this limitation and will address all other limitations of the claim until clarification of this rule is provided.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 10 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 10 and 32, the examiner fails to understand the meaning of the limitation "said using includes passing to a decoder". There is no "using" step provided in claim 10, therefore the examiner fails to understand what is being passed to

the decoder. The examiner will ignore this limitation and will address all other limitations of the claim until clarification of the "using" step is provided.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 18-19 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ramasubramanian et al. (U.S. Patent No. 6,172,672).

Referring to claim 1, Ramasubramanian discloses presenting, at a client terminal, a video program stored in a server (see elements 102, 110 and 112 in Figure 1A and Column 3, Lines 54-56 and Column 4, Lines 1-2) linked with the client terminal via transmission path of a limited transmission bandwidth, wherein each frame of the video program comprises a basic and level of quality supplement data portions (see Column 7, Lines 13-20).

Ramasubramanian also discloses in response to a play command from a user, determining a start position in the video program (see Column 7, Lines 40-45 for requested the beginning of a video to be played). The examiner notes that the start of the video would inherently have to be determined if a request is made to play the video from its beginning point.

Ramasubramanian also discloses in response to the play command from the user, obtaining and using the basic data portions for playing the video program (see again Column 7, Lines 40-45 for displaying a video upon a play request from the client, and also note Column 7, Lines 45-52 for sending the compressed video program (lower quality, which will be equivalent to the "basic data portions").

Ramasubramanian also discloses in response to a stop command, obtaining and using said at least one level of quality supplement data portions of a last displayed frame for displaying a quality enhanced version of said last displayed frame (see Column 6, Lines 48-67 and Column 7, Lines 1-3 for stopping (pausing) a video file and requesting a high resolution version of the last displayed frame (the frame in the video, which has been paused).

Referring to claim 2, Ramasubramanian discloses that in response to a jump forward command, for obtaining and using said at least one level of quality supplement data portions of a last displayed frame for displaying a quality-enhanced version of the last displayed frame (see Column 7, Lines 4-12 for using a jump forward command to find a last displayed frame and request an enhanced version of that last displayed frame).

Referring to claim 18-19, see rejection of claims 1-2, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 7-12 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramanian et al. (U.S. Patent No. 6,172,672).

Referring to claim 7, Ramasubramanian discloses storing said basic data portion and said at least one level of said quality supplement data portions on a single recording media (see element 124 in Figure 1 and Column 7, Lines 13-17), said quality supplement data portions for each frame having a constant data quality (see Column 7, Lines 16-17 for each version of different qualities having a specific compression ratio).

Ramasubramanian also discloses in response to a quality supplement data request for a specified frame from said client terminal, reading said quality supplement data portions for said specified frame (see Column 6, Lines 55-67 and Column 7, Lines 1-3).

Ramasubramanian fails to specifically disclose the strategy used to store the media on the storage device 124 in Figure 1 (two distinct areas of the storage medium). The examiner takes Official Notice that it is well known to store media on a disk in two distinct areas of the disk. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the storage device 124 in Figure 1, using the two distinct storage area method, for the purpose of minimizing the required storage capacity by storing specific data elements in separate areas of the storage device.

Referring to claim 8, Ramasubramanian discloses storing said basic data portion and said at least one level of said quality supplement data portions on a single recording media (see element 124 in Figure 1 and Column 7, Lines 13-17).

Ramasubramanian also discloses in response to a quality supplement data request for a specified frame from said client terminal, reading said quality supplement data portions for said specified frame (see Column 6, Lines 55-67 and Column 7, Lines 1-3).

Ramasubramanian fails to disclose the use of a start address of the quality supplement data portions for each frame. The examiner takes Official Notice that it is well known that a storage device using an address for each piece of data that can be accessed on that disk. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the storage device 124 in Figure 1, using the start address for the quality supplement data portions, for the purpose of providing the user with a faster and more efficient method of accessing data on the storage device.

Referring to claim 9, Ramasubramanian discloses storing said basic data portion and said at least one level of said quality supplement data portions on a single recording media (see element 124 in Figure 1 and Column 7, Lines 13-17).

Ramasubramanian also discloses in response to playing a basic data portion, skipping said quality supplement data portions (see Column 4, Lines 55-63 to display a basic data portion during playback, which contains a specific level of quality).

Therefore, the system inherently skips the quality supplement data portions, as the basic portions of the requested video is playing.

Ramasubramanian also discloses after a stop operation, reading at least one quality level of said quality supplement data portions just following the stopped position (see Column 7, Lines 4-12 for scrolling through the video sequence as desired, therefore after a stop operation, the next frame can be moved to and captured (get the higher quality portion)).

Ramasubramanian fails to disclose storing the basic and supplement portions on a successive area on a single recording media. The examiner takes Official Notice that it is well known to store data on a disk in successive areas. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the storage device 124 in Figure 1, using the successive storage method, for the purpose of minimizing the number of head searches needed to access the data.

Referring to claims 10-12, Ramasubramanian discloses all of the limitations in claim 1, but fails to disclose the use of a specific coding standard, such as H.263 or MPEG. The examiner takes Official Notice that it is well known to use such coding standards in a video distribution environment. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video sent from the server in Figure 1, by using a video coding technique to encode the video, for the purpose of providing smaller files, which enhances the speed of transmission and less occupancy of the bandwidth.

Referring to claims 29-34, see rejection of claims 7-12, respectively.

5. Claims 3-6 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramanian et al. (U.S. Patent No. 6,172,672) in view of Chaddha et al. (U.S. Patent No. 5,621,660).

Referring to claim 3, Ramasubramanian discloses storing different versions of the video to be displayed on a storage device 144 in Figure 1, but fails to disclose storing the basic portions of the video on a tape recording medium and storing each level of the one level of said quality supplement data portions on a different tape recording medium. Chaddha discloses saving full resolution, full frame rate new stories based on their age and access history from disk to external tape, leaving the lower resolutions behind on the disk storage subsystem 90 (see Column 8, Lines 66-67 and Column 9, Lines 1-5).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the disk storage 124, as taught by Ramasubramanian, using the disk storage subsystem and external tape storage, as taught by Chaddha, for the purpose of allowing support for browsing operations (see Column 9, Lines 2-3 of Chaddha) and allowing less popular requested media to be off-loaded to external storage, allowing for programs with more popularity to be stored for faster access upon request.

Claim 4 corresponds to claim 3, with the additional limitation of rotating all of the recording media synchronously when a play command is used, and rotating the different recording tape media when a one level of quality supplement data portion is requested. The examiner notes that the video storage 90 is a RAID system, where data is stripped

across all disks, therefore when a request for a video is made, all disks must be rotating in order to access the entire video (see Column 7, Lines 42-53). Also, the news stories that are stored in the external disk (Column 8, Lines 66-67 and Column 9, Lines 1-5), and in order to access information from the external disk, it would have to be rotating. Therefore, when each set of data is accessed, the separating storage means must be rotating.

Referring to claims 5-6, see rejection of claims 3-4, respectively.

Referring to claims 25-26, see rejection of claim 3-4, respectively.

Referring to claims 27-28, see rejection of claim 3-4, respectively.

Allowable Subject Matter

6. Claims 13-17 and 20-24 are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 17th, 2004

VIVEK SRIVASTAVA
PRIMARY EXAMINER